IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

MONDAY, THE FOURTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI BILAL NAZKI, THE ACTING CHIEF JUSTICE

and
THE HON'BLE MR JUSTICE G.CHANDRAIAH

WRIT APPEAL NO : 1233 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 13/06/2005 in WP NO : 12243 OF 2005 on the file of the High Court.)

Between:

1 J. Venkata Sarvaiah S/o. Kannaiah
R/o. Narayanapuram (V), Ashwaraopet (M), Khammam

District.
2 J. Babu Rao S/o. Venkata Sarvaiah
R/o. Narayanapuram (V), Ashwaraopet (M), Khammam

District.

..... APPELLANTS

AND

1 State of Andhra Pradesh , Rep. by its Principal Secretary,

Irrigation Department,
Secretariat, Hyderabad.
2 The Executive Engineer, I & PD Special Division, Pedavagu

Project, Ashwaraopet,
Khammam District.
3 The Assistant Engineer, I & PD Special Division, Pedavagu

Project, Ashwaraopet,
Khammam District.

...RESPONDENTS

Counsel for the AppellantS: MR.SATYANARAYANA NIMMAGADDA
Counsel for the RespondentS.: GP FOR IRRIGATION & COMM AREA DEV.

The Court made the following :

Oral Order: (Per Sri Bilal Nazki, the Hon'ble the Acting Chief Justice)

The petitioners filed a writ petition seeking a direction that the respondents should not interfere in their possession of the suit land and also should not create any impediments for them in cultivating the land.

The learned single Judge dismissed the writ petition and gave liberty to the petitioner to seek the remedy before a civil Court.

The learned counsel appearing for the appellants-petitioners submits that there is no dispute that the land belongs to the petitioners and that the other side is not raising any dispute with regard to their title and therefore there would be no disputed questions of fact.

In para 2 of the writ affidavit the petitioners have since been stated that the respondents are interfering and stopping the cultivation alleging that the water catchment area and foreshore of Pedavagu Project falls over the land. Therefore, on his own showing there is a dispute of title between the parties, which cannot be decided by this Court in this proceedings. No interference is called for. The writ petition is accordingly dismissed. No costs.

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04..07..2005

msv

To

1 The Principal Secretary,

Irrigation Department, State of Andhra Pradesh Secretariat, Hyderabad.
2 The Executive Engineer, I & PD Special Division, Pedavagu

Project, Ashwaraopet,
Khammam District.
3 The Assistant Engineer, I & PD Special Division, Pedavagu

Project, Ashwaraopet,
Khammam District.

4 2 CCs to the GP for Irrigation, High Court of A.P. Hyderabad

5 2 CD copies.